

COA # 2014-COA-266 (IRV) 2014-VHP-023	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT	Hearing Date AUGUST 6, 2014
5810-5812 LOWELL AVENUE IRVINGTON		NEW CASE Warren Twp. Council District 21 Benjamin Hunter
Applicant AMY L. OXLEY mailing address: 5810 Lowell Avenue Indianapolis, IN 46219		
Owner: SAME AS ABOVE		
EXPEDITED COMBINED CASE		
IHPC COA: 2014-COA-266 (IRV) <ul style="list-style-type: none"> Construct rear deck Variance of Development Standards of the D-5 Zoning Ordinance to allow 62.3% open space where 65% is required. 		
VARIANCES: 2014-VHP-023 Variance of Development Standards of the D-5 Zoning Ordinance to allow 62.3% open space where 65% is required.		
STAFF RECOMMENDATION: Approval		
STAFF COMMENTS		

Background of the Property

Historic maps indicate that this property was constructed as a duplex between 1927 and 1941. It is a foursquare style house, with a full length gable front porch with brick railings and piers. It has a hipped roof and vinyl siding.

New Deck - Exempt

The applicant plans to construct a 351 square foot wood deck on the rear of the house. The Irvington Preservation Plan exempts patios and decks that are not visible from the public right-of-way from review and approval. This project meets that criterion. Therefore, IHPC will not be reviewing the design of the deck, but only the variance required to construct the deck.

Variance of Development Standards

When the applicant applied with the Department of Code Enforcement for a permit to construct the deck, it was discovered that the house and garage already exceed the open space requirement, so adding a deck requires a variance of development standards for open space. The open space required in D-5 is 65%, the proposed open space with a deck is 62.3%, so a difference of 2.7%. Decks over 18 inches in height, even with no roof, contribute to the building area calculation used for open space. A patio or deck less than 18 inches high would not count against the building area. However, the owner is building this specifically to allow an elderly resident access to the deck, and so needs to construct the deck at rear door level, with no steps down.

Staff recommends approval of the open space variance due to the minimal impact of the variance requested. The house and garage already exceed the open space requirement, with no adverse impact upon surrounding properties. The construction of a deck will be negligible in its impact on the open space provided, and how the open space is perceived.

Site Plan

The deck will be set back from the side facades, and will meet side yard setback requirements and will not be visible from the street.

Irvington Historic Area Plan

Granting of variance requests should be carefully reviewed to consider impact on existing parking and/or density issues.

Staff feels that this variance request will have minimal impact, and is appropriate.

STAFF RECOMMENDED MOTION

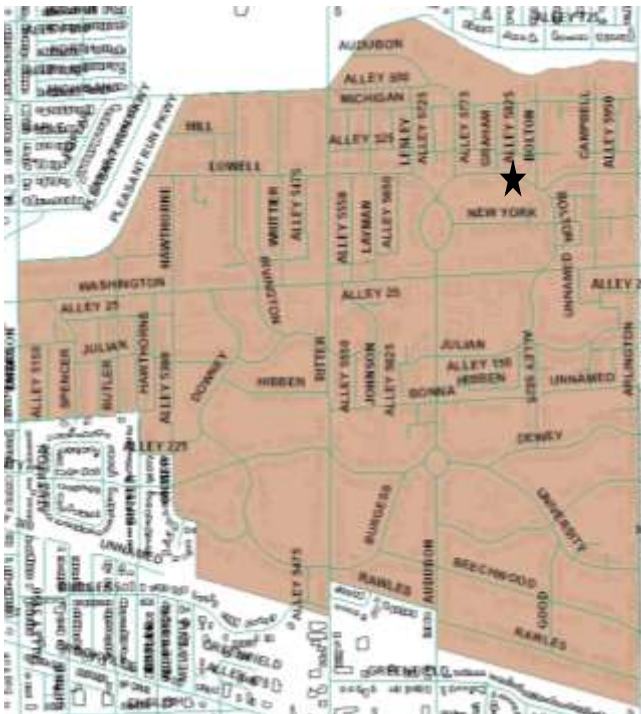
2014-COA-266 (IRV):

To approve a Certificate of Appropriateness for a variance of development standards in order to construct a rear deck. per the submitted documentation

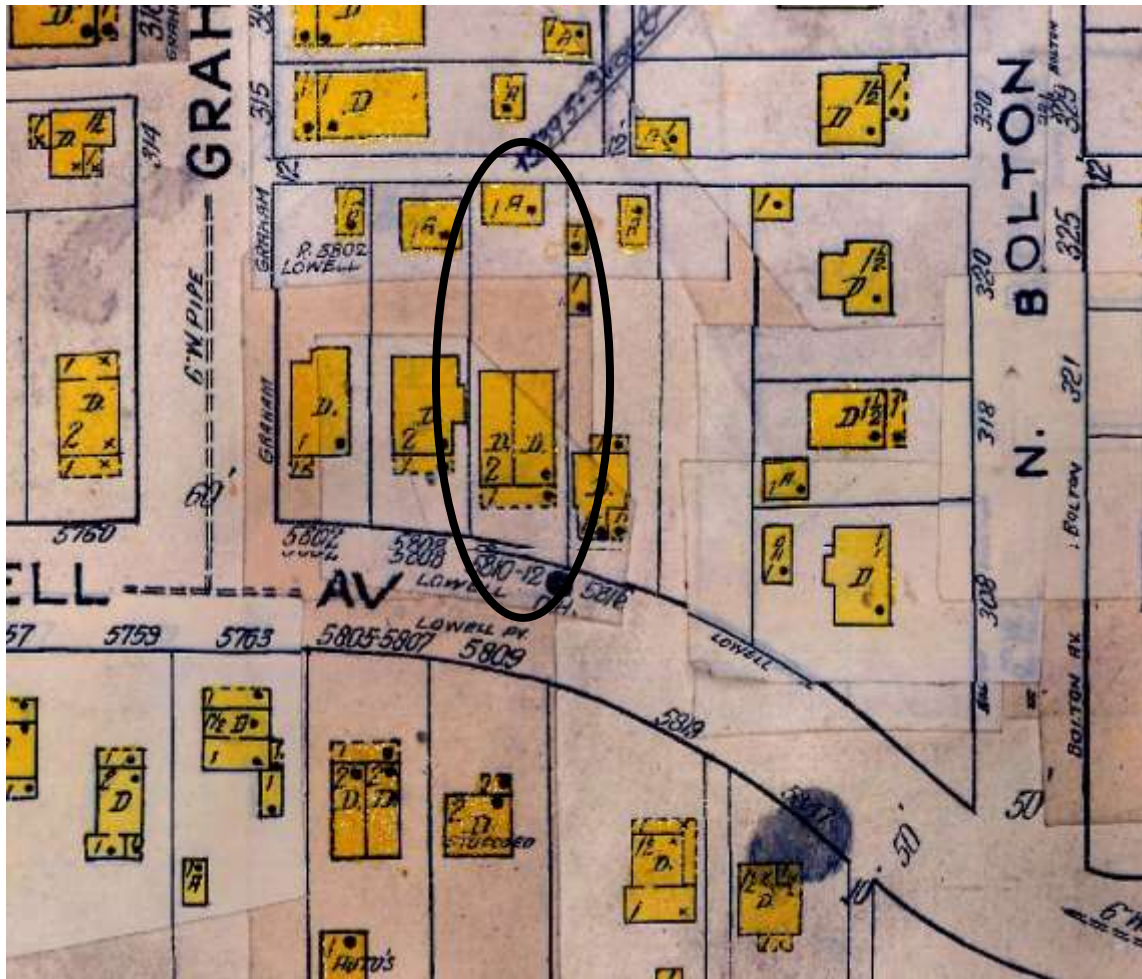
VHP # 2014-VHP-023:

To approve a Variance of Development Standards of the D-5 zoning ordinance to provide less open space than required in order to construct a rear deck.

Staff Reviewer: Emily Jarzen



Maps of subject property



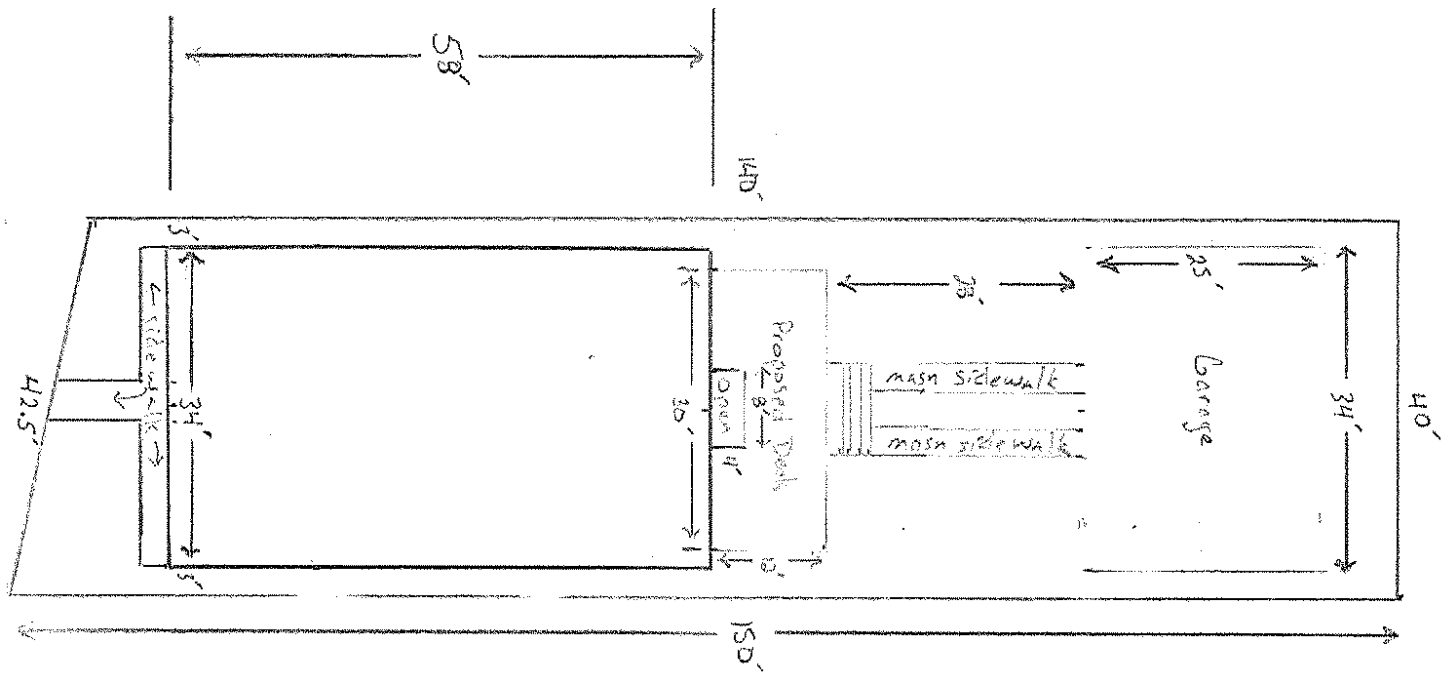
1915 Sanborn with pasteovers through the 1940s



Google Street View of subject property



Aerial view of subject property



Proposed site plan

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

This double was built prior to the implementation of the Dwelling District Zoning Ordinance. The open space without the deck is currently less than the zoning ordinance allows. Adding the 351 square foot deck makes only a small difference in the open space being provided. The difference in the open space being requested is minimal, and will not negatively impact surrounding properties or the overall community because it will be a negligible change.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

As this is a deck, and not an enclosed space, the openness of the lot will retain its existing feel. This same deck area could be built without a variance if it was lower, and so allowing a raised deck will not have any more of a negative impact than a lower deck might. The design of the deck was meant to enhance the home, and according to the Irvington Historic Area Plan a deck not visible from the right-of-way does not affect the historic character of the neighborhood.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The existing historic primary and accessory structures do not comply with the open space zoning requirement. The strict application of this would prevent any additional building on this lot, and would prevent the petitioner from providing ease of access to the rear yard for wheel chair bound individuals or the elderly.